

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Completing the Transition to Electronic	)	WT Docket No. 19-212
Filing, Licenses and Authorizations, and	)	
Correspondence in the Wireless Radio	)	
Services	)	

**REPLY COMMENTS OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these reply comments in response to the Notice of Proposed Rulemaking (“Notice”) released by the Commission on September 6, 2019, in the above-referenced proceeding.<sup>2</sup> Comments filed in response to the Notice support the Commission’s proposal to expand electronic filing to additional wireless service applications and to require applicants to include an email address with their filings. Commenters, however, were split on whether the Commission should continue sending communications relating to applications and licenses via the U.S. Postal Service (“USPS”) or begin sending such communications electronically. NTCA supports commenters’ recommendations to expand electronic filing to additional wireless service applications and to permit service of pleadings related to applications to be made through email. However, licensees

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<sup>1</sup> NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

<sup>2</sup> *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services*, WT Docket No. 19-212, Notice of Proposed Rulemaking (rel. Sep. 6, 2019) (“Notice”).

and applicants that fail to respond to communications from the Commission risk losing their licenses or having their applications dismissed. Thus, these communications are too important to be left to chance. Accordingly, NTCA suggests the Commission permit each applicant and licensee to select on their application whether Commission communications pertaining to the application or license should be sent electronically or through USPS based on which method works best for the applicant.

**I. REQUIRING ALL ULS/ASR FILINGS TO BE SUBMITTED ELECTRONICALLY WILL BENEFIT APPLICANTS AND THE COMMISSION.**

The Notice proposed to expand the types of filings that must be made electronically via the Commission’s Universal Licensing System (“ULS”) or Antenna Structure Registration (“ASR”), noting that electronic filing is generally easier for applicants and utilizes fewer Commission resources than paper filings.<sup>3</sup> NTCA agrees that allowing additional types of applications to be filed via ULS or ASR would almost certainly benefit filers and the Commission alike through an ability to catch most application errors prior to submission and the ability of Commission staff responsible for reviewing the application to access the application online once the application is deemed complete. These two items combined will result in faster processing of applications and an improved use of Commission resources as the Commission will not need to prepare a letter returning an application – and address an envelope, and pay the postage for the return – for something as simple as a missing signature, for instance, as ULS and

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<sup>3</sup> Notice at ¶¶ 7-8.

ASR notify applicants if the signature or any other “must haves” are missing and will not allow the applications to be submitted until the application is complete.<sup>4</sup>

Verizon recommended the Commission also extend the mandatory electronic filing requirement to applications that are currently incompatible with the ULS system by establishing an email address to which PDF copies of the completed applications can be submitted.<sup>5</sup> Not only would this further the Commission’s goal in the instant proceeding by minimizing the burden imposed on filers and the Commission for these types of applications, but also would allow the filer to obtain immediate confirmation that the Commission received the filing.<sup>6</sup> Currently, to receive confirmation of a paper filing submitted to the Commission, filers must include an extra copy marked for the Commission to date stamp and return, enclose a postage paid return envelope, then wait for the date stamped copy to arrive. Occasionally, the return receipt never arrives, leaving the applicant without proof the application was filed and a need to call Commission staff in an attempt to verify receipt.<sup>7</sup> Clearly, this is not the best use of the Commission’s resources and creates uncertainty for applicants. Accordingly, NTCA agrees with Verizon’s recommendation that the Commission establish an email address for filing PDF copies of applications that are not compatible with ULS or ASR. This method would benefit both

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<sup>4</sup> *See, e.g.*, Comments of Enterprise Wireless Alliance, WT Docket No. 19-212, at 3 (Oct. 30, 2019) (“EWA Comments”) (ULS often “prevents submission of an incomplete or fundamentally flawed application.”).

<sup>5</sup> Comments of Verizon, WT Docket No. 19-212, at 3 (Oct. 30, 2019) (“Verizon Comments”).

<sup>6</sup> *Id.*

<sup>7</sup> Commission rules require certain filings to be submitted, yet those filings do not result in an FCC file number being generated nor are they placed on Public Notice. *See, e.g.*, 47 C.F.R. § 1.20005, which requires telecommunications carriers to file and maintain current System Security and Integrity manuals with the Commission. These filings currently must be made with the Secretary’s office as a printed copy. If the carrier does not receive an FCC date stamped receipt copy via return mail or courier, the carrier cannot prove it has complied with this rule.

applicants and the Commission as the email address could send an automatic reply confirming receipt of the filing and the filing could more readily and efficiently be directed to the Commission staff person responsible for reviewing the filing.

While commenters encouraged the Commission's proposal in the Notice to increase the types of filings that can or must be made electronically, any electronic filing requirements need to account for the fact that technology is not infallible. As Blooston noted, the Commission will need to allow applicants and licensees to request a waiver of the electronic filing requirement in instances where the applicant was unable to submit a filing electronically, such as due to a power or Internet outage.<sup>8</sup> NTCA agrees that while submitting filings electronically benefits applicants and the Commission alike and should therefore be extended to all wireless filings, the Commission's rules should also allow for waivers of the electronic filing requirement in circumstances beyond an applicant's control.

## **II. APPLICANTS SHOULD BE ALLOWED TO CHOOSE TO RECEIVE COMMISSION COMMUNICATIONS ELECTRONICALLY OR THROUGH USPS.**

The Commission also proposed to make an email address a mandatory part of all applications in order to allow the Commission to send correspondence relating to the applications electronically rather than through the USPS.<sup>9</sup> Commenters supported the Commission's proposal, but cautioned against relying solely on email to communicate information regarding applications and licenses due to the harm that could result if an applicant does not respond to an official communication because the email was not received. As multiple

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<sup>8</sup> Comments of Blooston Licensees, WT Docket No. 19-212, at 3 (Oct. 30, 2019) ("Blooston Comments").

<sup>9</sup> Notice at ¶ 1.

commenters demonstrated, each applicant and licensee is different – while electronic communications are the preferred method for some entities, others find hard copies sent via USPS as the better method for ensuring their company does not miss any important communications.<sup>10</sup> Due to the fact that an applicant’s failure to respond to some Commission correspondence within a limited, specified, period of time can result in the application being dismissed, NTCA supports Verizon’s recommendation that applicants be allowed to select in their application whether they wish to receive Commission correspondence relating to the application electronically or via USPS.<sup>11</sup>

By contrast, as the Commission points out, licensees currently have the option of requesting a printed authorization be mailed to them, even though the authorization is readily available through ULS and is no less “official” than a printed copy sent by the Commission.<sup>12</sup> Furthermore, the Commission does not send authorizations unexpectedly. Rather, applicants have either filed an application seeking an authorization – so are already watching for the Commission to issue such authorization – or have requested a printed copy of an authorization they already know exists and is readily available through ULS. Accordingly, NTCA agrees with EWA’s support of the Commission’s proposal to discontinue allowing licensees the option of requesting a printed authorization absent a waiver.<sup>13</sup>

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<sup>10</sup> See, e.g., Blooston Comments at 5; *contra* Verizon Comments at 4.

<sup>11</sup> See, e.g., Verizon Comments at 4.

<sup>12</sup> Notice at ¶ 19.

<sup>13</sup> See EWA Comments at 5.

The Commission also proposed requiring wireless service applicants to provide an email address as part of their online filings and to require entities with registered antennas in the ASR database to maintain a current email address on file with the Commission so the Commission will have the ability to communicate electronically with all applicants and antenna structure owners.<sup>14</sup> To address any concerns regarding making an individual's email address publicly available or the possibility of an entity missing important communications if the email recipient is out of the office, NTCA agrees with those commenters who recommended entities create a separate, "generic," email address solely for communications related to their application(s) and to allow entities the option of including a second email address to help ensure important communications are not missed.<sup>15</sup> A generic email address could be accessible to multiple people within an organization to ensure that if one employee is out of the office or leaves the company, the correspondence can still be accessed, while also not revealing a specific employee's email address.<sup>16</sup> Therefore, NTCA supports EWA and Verizon's recommendations that the Commission adopt its proposal to require entities to include an email address with all online filings.<sup>17</sup>

### **III. THE COMMISSION'S CURRENT RULES ALREADY ALLOW FOR ELECTRONIC SERVICE OF PLEADINGS AND DO NOT NEED TO BE CHANGED.**

In response to the Commission's request for comment regarding whether to revise the rules governing service of pleadings related to ULS and ASR applications to require service on

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<sup>14</sup> Notice at ¶¶ 15-16.

<sup>15</sup> See EWA Comments at 5; Verizon Comments at 7.

<sup>16</sup> See EWA Comments at 6.

<sup>17</sup> EWA Comments at 5; Verizon Comments at 7.

parties to be made electronically, NTCA agrees with AT&T that the Commission's current rules are adequate for allowing service electronically. Specifically, as AT&T noted, the Commission's rules already allow electronic service upon consent by the party to be served.<sup>18</sup> Currently, however, identifying the point of contact and their email address or phone number to seek permission to provide service electronically can be time consuming. By requiring all entities to provide an email address with their applications or filings, as proposed in the Notice and supported by commenters, seeking permission will be much simpler, and quite possibly result in more pleadings being served electronically.<sup>19</sup>

#### **IV. CONCLUSION**

Mandating electronic submission of filings related to wireless services and antenna structures will allow for faster processing of applications and minimize Commission resources, a benefit to all involved. In the event an applicant is unable to file electronically, the Commission should allow those entities to seek a waiver to enable them to satisfy the filing obligation and any deadline for meeting the obligation. NTCA further agrees with commenters who support the Commission's proposal to require all entities to include an email address with their electronic filing. This requirement will allow for easier, more immediate, communication with parties by the Commission and by parties seeking to serve copies of pleadings on applicants electronically. Filers should have the option, however, of choosing whether to receive electronic or paper delivery of communications from the Commission relating to their application. These

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<sup>18</sup> Comments of AT&T Services, Inc., WT Docket No. 19-212, at 5 (Oct. 30, 2019) ("AT&T Comments").

<sup>19</sup> Verizon, AT&T and EWA all supported allowing any pleadings related to wireless service applications to be served electronically. *See* Verizon Comments at 3; AT&T Comments at 5; and EWA Comments at 3-4.

communications often require a response from the applicant by a date certain or the applicant risks having its application dismissed. Accordingly, entities should be allowed to select which method of communication works best for them, as the best method varies from one company to the next and these communications are too important to be missed.

Respectfully submitted,



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